

Form

Record of a Habitats Regulations Assessment of a project
Date this form published: March 2016

OGN 200 Form 1
Document owner: Protected Sites Team, KSP

Version History:

Document Version	Date Published	Summary of Changes
1.0	September 1st 2016	Document created

Review Date: February 2017

Record of a Habitats Regulations Assessment of a project

1. Project Details

If this HRA relates to an application by an external party, complete section 1(a), delete section 1(b) and go to section 2.

If an NRW team is the proponent/instigator of the project, delete section 1(a), complete section 1(b) and go to section 2.

1(b): Project details where NRW is the project proponent/instigator	
NRW Project reference	<i>If projects undertaken in the operational area concerned use a referencing system, give it here. Otherwise provide other information identifying unambiguously which project is the subject of this HRA</i>
Activity proposed	Clearing accumulated shingle at mouth of Afon Dysynni <u>General method of work</u> • Ensure all machinery is clean before moving to site • Track machinery along foreshore from car park in Tywyn. • Set up welfare unit at footbridge, travel to work site using Kubota Mule. • Refuelling access from the railway bridge alongside river. • Excavate material from area 1 and dump on North side. Cut new channel approx. 25m wide through shingle, following line of old channel training wall. Dozer to move material northwards towards existing channel. • Excavate area 2, as above. • Excavate area 3, opening cut between new and existing channels. Push excavated material into old

channel to divert flow down new cut. Create a weir structure to enable the flow to be carried down to the new channel.

- Weir to be constructed to the same level as the top of the foundations of the railway bridge. This will allow water to flow down new channel and allow water to pass over if the new channel isn't at an adequate depth for the river to flow during the works.
- Grade excavated shingle as required, to allow natural drift of material northwards.
- On completion power wash plant and remove from site to the South.



Afon Dysynni : Current and Proposed Works



Afon Dysynni : Proposed Works



	 Pen llyn a'r sarnae SAC boundaries Annual gravel movement is planned after these works are complete (using similar methodology) to prevent blocking of the channel when needed
Statutory basis	<i>Land Drainage Improvement Act, Environment Act</i>
Location	<i>Mouth of the Afon Dysynni</i>
NRW team responsible	<i>Assets Team/ Operations Deliver. Lead Officer is Aled Iorwerth Jones</i>

for carrying out the project, and name of lead officer	
NRW team responsible for drafting this HRA report, and name of lead officer	<i>Fisheries and Conservation Support Team</i> Dave Thorpe
Project documents	<i>Reference any relevant documents defining what the project is, as required</i>
Environmental Statement	<u>N/A</u>

2. Determining the need for a Habitats Regulations Assessment

2.1 Is the whole of the project directly connected with or necessary to the management of one or more Natura 2000 sites, for the purposes of conserving the habitats or species for which the Natura 2000 site(s) is/are designated?	No
2.2 Is there a possibility that the project could affect a different Natura 2000 site to the one(s) the project is intended to conserve?	No
2.3 Is it necessary to carry out an HRA?	YES

3. Considering the likelihood of a significant effect (LSE)

The first stage of an HRA is a test of Likely Significant Effect (LSE), which is a ‘screening’ assessment to determine if an appropriate assessment is required.

Unless the LSE test enables significant effects on any Natura 2000 site to be ruled out, the project will need to be subject to an appropriate assessment.

The legislation requires consideration of plans and projects “either alone or in combination with other plans and projects”. The test of likely significant effect is initially carried out by considering the proposal on its own (i.e. rather than in-combination with other plans or projects). If it is decided that the proposal alone is likely to have a significant effect, it is subject to appropriate assessment alone. An assessment in combination with other plans/projects is only required if the proposal would be insignificant on its own, but has effects which may be significant if combined with the effects of other plans/projects which are also insignificant on their own. This is dealt with further in section 5.

When carrying out HRA of an application for consent of any kind, the LSE test is based on the application as submitted. If additional conditions or restrictions, not already incorporated into the specifications of the project, would be needed to remove the risk of significant effects, the project should undergo an appropriate assessment.

3.1 Renewal of a permission on the same or more restrictive terms as the extant permission

Is this project a renewal of a current permission which complies with NRW approved criteria for ruling out significant effects of renewals (see section 6.2A of OGN 200) without conducting a project-specific LSE test?	<u>‘NO’</u>
--	-----------------------------

3.2 Likelihood of significant effects (LSE) test

Unless it has been established that the project does not need HRA (section 2) or that it is a renewal of a current permission for which LSE can be ruled out (section 3.1), the relevant protected sites advisor should always be consulted, and their advice taken into account, in completing sections 3.2.1 and 3.2.2 below. Their written advice (Form 2) should be appended to this form, and section 7 of this form completed.

3.2.1 Which Natura 2000 sites might be affected by the proposal?	<i>Consult protected sites advisors</i> Based on the project specification or information provided in the application, it is considered that the following Natura 2000 sites have features which could be affected by the project: Pen Llyn a'r Sarnau SAC The potential for the project to affect the following Natura 2000 sites was also initially considered, but can be ruled out without further consideration: <i>N/A</i> <i>Go to section 3.2.2.</i>
---	---

3.2.2 Screening assessment

The screening assessment should indicate the possible pathways through which the project may impact upon relevant Natura 2000 site features. Each designated feature (taken from the official Natural 2000 designation documents) should be recorded in the left hand column below. If more than one Natura 2000 site is identified from section 3.2.1, deal with each Natura 2000 site separately.

The assessment should be made in view of the conservation objectives for the Natura 2000 site(s) concerned, as set out in either the current NRW Core Management Plan (for a terrestrial Natura 2000 site), or in NRW's extant advice issued under Regulation 35 of the Conservation of Habitats and Species Regulations 2010 (for a marine Natura 2000 site)

Colour coding should be used in the 'impact pathway' column II as follows:

There is no impact pathway from the proposal to the designated feature

There is an impact pathway in principle, but significant effects from the proposal when considered alone can be ruled out

There is an impact pathway and significant effects cannot be ruled out

Examples of types of impact pathways that may be relevant:

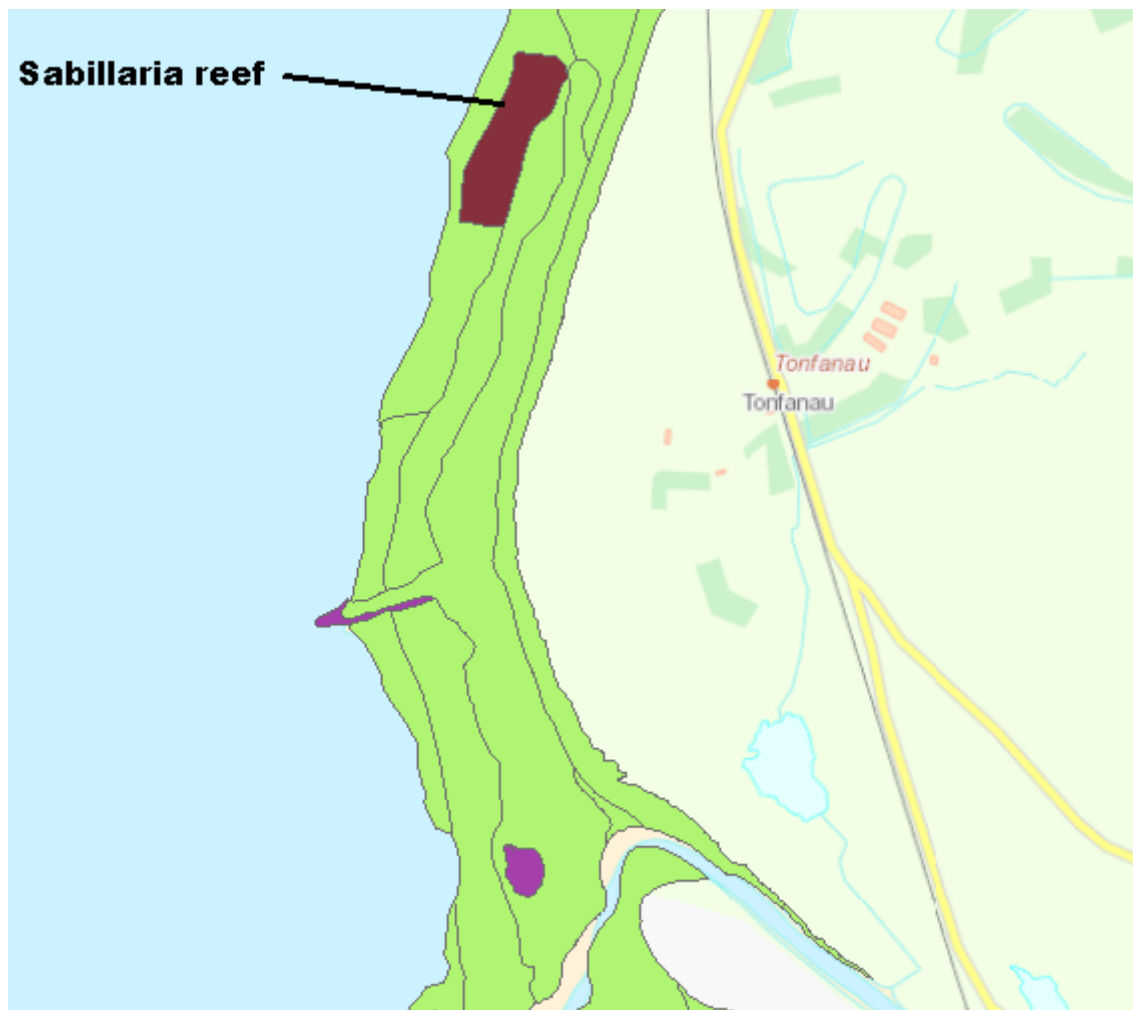
- *Direct capture, damage or harm to a designated species feature*
- *Damage to a designated habitat feature (including through direct physical impact, pollution, changes in thermal regime, hydrodynamics, light, etc.)*
- *Damage to the habitat of designated species features (including through direct physical impact, pollution, changes in thermal regime, hydrodynamics, light, etc.)*
- *Damage to a designated habitat feature via removal of, or other detrimental impact on, typical species*
- *Removal of prey species of a designated species feature*
- *Damage to habitat of prey species*
- *Indirect effects on habitats and species*

Note that several impact pathways may be relevant to the same designated feature

	Assessment of likelihood of significant effect		
	I Relevant conservation objectives <i>Reference relevant conservation objectives from Natura 2000 site Core Management Plan, or NRW Regulation 35 advice (as</i>	II Potential impact pathway <i>For each row assign appropriate colour (as above) and give short explanation as required</i>	III Avoidance measure <i>Briefly describe any measures included within the project at this point that will ensure that</i>

	applicable)		the potential effects are avoided, are not significant or are not likely to occur. If none, put 'N/A'
Name of Natura 2000 site Pen Llyn a'r Sarnau SAC			
Sandbanks which are slightly covered by sea water all the time		There is no impact pathway from the proposal to the designated feature	
Estuaries		There is no impact pathway from the proposal to the designated feature	Clearing the channel below the rail bridge will impact hydrology of the estuary BUT this is restoring the usual tidal pattern of the estuary – it is not emptying at low water at present. Note Broadwater Estuary is not part of the SAC so not an SAC feature. It is a SSSI only
Coastal lagoons		There is an impact pathway in principle, but significant effects from the proposal when considered alone can be ruled out	There is potential for impact on the hydrology of the saline lagoon to south of the river. Its dependence on water levels in the river channel are not well studied or fully understood. Potential effects will be avoided by not over-deepening Dysynni channel
Large shallow inlets and bays		There is no impact pathway from the proposal to the designated feature	
Reefs (including sabellaria)		There is an impact pathway in principle, but significant effects from the proposal	No subellaria in the disposal area. Works to mimic natural gravel movements in storm

		<i>when considered alone can be ruled out</i>	events/ long shore drift. The sabellaria reef is 0.8 km north of the river will not be directly impacted
Mudflats and sandflats not covered by seawater at low tide		<i>There is no impact pathway from the proposal to the designated feature</i>	
Salicornia and other annuals colonizing mud and sand		<i>There is no impact pathway from the proposal to the designated feature</i>	Potential beneficial impacts (to this general habitat but not SAC habitat as normal tidal regime of Broad water is impaired at present
Atlantic salt meadows (Glauco-Puccinellietalia maritimae)		<i>There is no impact pathway from the proposal to the designated feature</i>	Potential beneficial impacts (to this general habitat but not SAC habitat as normal tidal regime of Broad water is impaired at present
Submerged or partially submerged sea caves		<i>There is no impact pathway from the proposal to the designated feature</i>	
Bottlenose dolphin Tursiops truncatus		<i>There is no impact pathway from the proposal to the designated feature</i>	
Otter Lutra lutra		<i>There is an impact pathway in principle, but significant effects from the proposal when considered alone can be ruled out</i>	Night time working and the use of artificial lights should be avoided
Grey seal Halichoerus grypus		<i>There is no impact pathway from the proposal to the designated feature</i>	



3.2.3 Screening decision of the project 'alone'	
(b) If there are NO rows coloured RED in column II of Table 3.2.2, and there are ANY rows which are BLUE	The project is not likely to have a significant effect on any Natura 2000 sites when considered alone, but the possibility of significant effects in combination with other plans and projects needs to be considered. <i>Strike out row (a) above and row (c) below, delete section 4 of the form and go to Section 5.</i>

5 In combination assessment

5.1 Identifying possible in combination effects

This section covers the in combination assessments for both the LSE test and the appropriate assessment.

The other plans or projects which should be considered for potential in-combination effects with the proposal under consideration are any of the following whose effects could interact with the residual (i.e. insignificant when considered alone) effects of the project described in section 1 of this form, for example by adding to or magnifying its effects, or by making a habitat or species feature more sensitive its effects.

- *projects started but not yet completed*
- *projects consented but not started*
- *ongoing projects subject to repeated authorisations (e.g. annual licences)*
- *applications lodged but not yet determined*
- *refusals subject to appeals procedures not yet determined*
- *projects not requiring consent but which have been approved by the competent authority concerned*
- *proposals in adopted plans*
- *proposals in draft plans published for consultation*
- *allocations or other forms of proposals in adopted development plans*
- *allocations or other forms of proposals in draft development plans published for consultation*

Do not include projects which have not yet been applied for, unless the project is well defined and there are solid reasons for believing that it will be taken forward. Do not include completed projects. Consult with protected sites advisors and others as required.

In the left hand column of the table below you should list, as applicable:

- *Any impact pathways recorded as **BLUE** in section 3.2 of this form (no LSE alone but potential for LSE in combination); and*
- *Any residual effects from section 4.3 (no adverse effect alone, but residual effect may be significant).*

BLUE impact pathway from Table 3.2 and/or	Natura 2000 site feature(s) concerned	Other plans/projects with effects that might interact with the effects of the project to render its effects significant (if any)	Nature of the in-combination effect (if any)	Is there likely to be any significant in-combination effect, in view of the site's conservation
--	---------------------------------------	--	--	---

Residual effect (from appropriate assessment in section 4)		<i>If none, put 'N/A'</i>		objectives? <i>Insert 'YES' or 'NO' or 'DON'T KNOW'</i>
	Coastal lagoons	N/A		
	Reefs (including sabellaria)	Tywyn coastal defence scheme	Impact on long shore drift and hence site feature (reefs)	No. Works are small when compared to natural storm events b
	Otters	Tree management at Peniarth	Increased disturbance combined with loss of holt/ lie sites. BUT Peniarth has been surveyed – no holts found	No
(a) If the right hand column is 'NO' for all rows		The project, when considered in combination with other plans and projects, is either not likely to have a significant effect on, or will not adversely affect the integrity of any Natura 2000 site. <i>Strikeout option (b) below, delete section 5.2 and <u>complete sections 6 and 7</u>, and section 8 if applicable.</i>		
(b) If any rows in the right hand column are 'YES' or 'DON'T KNOW'		The project is likely to have a significant effect in combination with other plans or projects. <i>Strikeout option (a) above and go to section 5.2</i>		

6. Conclusion

Where the conclusion is in accordance with the protected sites advice, this section should be completed by the team or individual responsible for carrying out and recording the HRA. This will normally be the same as the team/individual responsible for determining the permission or otherwise approving the project, unless responsibility for preparing the HRA has been delegated to another team (e.g. EAT or one of the NRM teams).

Where the HRA has been subject to an escalation process, due to significant unresolved differences of view between the protected sites advisors and the team preparing the HRA, this section of the form should be completed by the relevant Leadership Manager (see sections

6.3/7.3 of OGN 200). Any additional documents or correspondence forming part of the escalation process should be appended to this form, or reported in section 7.

Select which of the following conclusions applies by placing an X the right hand column. Only ONE option can apply. Sign and date the bottom of the table.

The project has been screened for likelihood of significant effects and, taking account of the advice received from protected sites advisors, is considered not likely to have a significant effect on any Natura 2000/Ramsar site (As documented in section 3.2 of this form, or section 5 if applicable)	
Signed: Name: Dave Thorpe Position: Biodiversity Technical Specialist Date: 10/01/2019	

7. Consultation with protected sites advisor(s) and how sections 2, 3, 4 and 5 of this HRA report (as applicable) take into account that advice.

Delete any rows that do not apply.

Relevant section of the HRA report	Date(s) of correspondence* and any meeting(s) with protected sites advisor(s)	Description of how the comments from protected sites advisors have been taken into account
2		
3		
4		
5		

**Attach copies of all written representations (Form 2) received from protected sites advisor(s)*

8. Conservation Technical Specialist's comments

This section should be completed in any cases where the protected sites advice and sign off of the HRA report (section 6) is within the same team. Otherwise this section should be deleted

I have reviewed the HRA documented in this form and confirm that I agree/do not agree* with its findings.
(*strike out as applicable)

Additional comments (if any):

Signed:

Name:

Position:

Date: